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8 ROB GRABOW and PARADISE  
VALLEY PICTURES LLC

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10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12 **WESTERN DIVISION**

13 ROB GRABOW, an individual;  
14 PARADISE VALLEY PICTURES  
LLC, a Montana limited liability  
company,

15 Plaintiffs,

16 v.

17 NETFLIX, INC., a Delaware  
corporation; LEBRON JAMES, an  
18 individual; SPRINGHILL  
ENTERTAINMENT LLC, a Delaware  
19 limited liability company; CHERNIN  
ENTERTAINMENT, LLC, a Delaware  
20 limited liability company; WISE  
ENTERTAINMENT, INC. a California  
21 corporation; LAKE ELLYN  
ENTERTAINMENT, INC., a California  
22 corporation; STERLIN HARJO, an  
individual; SYDNEY FREELAND, an  
23 individual; BRIT HENSEL, an  
individual; and DOES 1-20, inclusive,

24 Defendants.  
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Case No. 2:24-cv-09822-FLA-PDx

**DECLARATION OF DEVIN A.  
MCRAE IN SUPPORT OF  
PLAINTIFFS ROB GRABOW AND  
PARADISE VALLEY PICTURES  
LLC'S OPPOSITION TO  
DEFENDANTS' MOTION FOR  
LEAVE TO FILE EARLY  
SUMMARY JUDGMENT MOTION  
AND TO BIFURCATE DISCOVERY  
ON PRIOR INDEPENDENT  
CREATION DEFENSE**

*[Opposition; and Declarations of  
Plaintiff Rob Grabow and David R.  
Ginsburg filed and served concurrently  
herewith]*

Date: April 4, 2025  
Time: 1:30 p.m.  
Crtrm.: 6B

Judge: Fernando L. Aenlle-Rocha

Trial Date: None Set

**DECLARATION OF DEVIN A. MCRAE**

I, Devin A. McRae, declare and state as follows:

1. I am a Partner in the law firm of Early Sullivan Wright Gizer & McRae LLP, attorneys of record for Plaintiffs Rob Grabow and Paradise Valley Pictures LLC (“Plaintiffs”) herein. I submit this declaration in support of Plaintiffs’ Opposition to Defendants Netflix, Inc., Chernin Entertainment, LLC, Wise Entertainment, Inc., Lake Ellyn Entertainment, Inc., Springhill Entertainment LLC, LeBron James, Sterlin Harjo, and Sydney Freeland’s (collectively, the “Netflix Defendants”) Motion for Leave to File Early Summary Judgment Motion and to Bifurcate Discovery on Prior Independent Creation Defense (the “Motion”) in this case. If called as a witness, I would and could testify to the matters contained herein.


2. On March 13, 2025, immediately after counsel for the parties concluded the Rule 26(f) conference in this case, I caused Defendants to be served with an initial set of written discovery drafted, in conjunction with Plaintiffs’ substantial similarity expert, David R. Ginsburg, targeted at obtaining documents and information relating to the changes between the April 2023 production script for *Rez Ball* that counsel for the Netflix Defendants informally and confidentially produced herein and the final *Rez Ball* film released by Netflix in September 2024. At the same time, I caused Defendants to be served with a notice of subpoena for production of documents directed to the editor of the *Rez Ball* film, Jessica Baclesse which is similarly targeted to discovering the details associated with the changes between the April 2023 production script for *Rez Ball* and the final *Rez Ball* film.

3. I have repeatedly advised counsel for the Netflix Defendants that the documents and information sought in the aforementioned written discovery are necessary in order to determine whether substantial similarities exist between the *Rez Ball* film and *The Gift of the Game* script and further that, if such discovery fails to support the existence of substantial similarities between *The Gift of the Game* script and the *Rez Ball* film, that Plaintiffs would voluntarily dismiss this action.

1           4. I have also repeatedly advised counsel for the Netflix Defendants that we  
2 are amenable to phased discovery. To that end, on January 16, 2025, I wrote the  
3 Netflix Defendants' counsel Molly Lens, stating in part: "We may be able to agree to  
4 target/stage discovery directed to independent creation so long as we (i) agree that  
5 such discovery includes defendants' access to, possession and use of plaintiff's script  
6 at any time before Rez Ball was released (*as the factual issues of independent*  
7 *creation and copying as a matter of fact go hand in hand*) . . . ." Exhibit C (ECF  
8 #44-3, pages 10-11 (emphasis added)) to the Declaration of Molly Lens in support of  
9 the Motion.

10           5. During the meet and confer on this Motion, I asked counsel for the  
11 Netflix Defendants directly whether they had investigated whether Defendants had in  
12 fact copied from Plaintiffs' script and whether they could represent to me that no such  
13 copying had occurred. They declined.

14           I declare under penalty of perjury under the laws of the United States of  
15 America that the foregoing is true and correct. Executed on this 14<sup>th</sup> day of March,  
16 2025, at Los Angeles, California.

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